

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Philip D. Swain, being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), currently assigned to the Billings Field Office. I have been employed by the ATF since September 2013. I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (“FLETC”). I have also completed ATF Special Agent Basic Training course. While attending the academies at FLETC in Glynco, Georgia, I received specialized training concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the National Firearms Act within Title 26 of the United States Code. As such, I am an investigative or law enforcement officer of the United States, within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests for offenses enumerated by 18 U.S.C. § 2516. Your Affiant is involved in the investigation of suspected violations of Federal law by Cristyan Jose GONZALEZ-CARRILLO.

II. DESCRIPTION

2. This Affidavit is submitted in support of a Criminal Complaint requested for Cristyan Jose GONZALEZ-CARRILLO, a person who provided a false statement to acquire firearms from a Federal Firearms Licensee, in violation of Title 18, United States Code 922(a) (6). The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an ATF Special Agent, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offenses.

III. PROBABLE CAUSE

3. In December of 2019, the Bozeman Police Department received an email from a concerned citizen reporting Christyan GONZALEZ-CARRILLO was selling stolen tools via multiple social media sites (Facebook and "WhatsApp.") The concerned citizen also reported, GONZALEZ- CARRILLO steals high-end bicycles and construction equipment and then transports the stolen items to Mexico via stolen trailers with stolen license plates.

4. ATF SA Kirby Fanus is aware that Blackfoot, Idaho Police

Department conducted a traffic stop on Jose Adrian Medina-Torres on July 1, 2020. Medina-Torres was towing a stolen trailer. Medina-Torres was arrested for possession of stolen property.

5. SA Fanus is aware that Medina-Torres made a jail call to

GONZALEZ-CARRILLO, and GONZALEZ-CARRILLO was going to bail Medina-Torres out of jail. Medina-Torres found out GONZALEZ-CARRILLO wasn't going to bail him out of jail, and decided to cooperate with local law enforcement.

6. On July 1, 2020, ATF SSA Joel Miller interviewed Medina-Torres

at the Bingham County, ID Jail with Blackfoot Police Department Detective Luis Chapa, and Homeland Security Investigations SA Tyler Hatch. Medina-Torres stated GONZALEZ-CARRILLO purchases firearms and advertises firearms for sale to a group on WhatsApp. Medina-Torres said he is a part of the group on WhatsApp and that the majority of the people on the group live in Ensenada, Mexico. Medina-Torres provided law enforcement written consent to search his cell phone. Medina-Torres showed the investigators some of GONZALEZ-CARRILLO's firearm advertisements via the WhatsApp on his cellular phone. SSA

Miller conducted a brief review of the WhatsApp data and observed multiple photographs of firearms laid out as if on display.

7. Medina-Torres has been to GONZALEZ-CARRILLO's residence, located at 1096 Longbow Lane, Unit B, Bozeman, MT, numerous times, and travels to GONZALEZ-CARRILLO's residence approximately every two weeks to make payments on various vehicles purchased from GONZALEZ-CARRILLO. Medina-Torres has seen numerous firearms and boxes of ammunition in GONZALEZ-CARRILLO's detached garage. Medina-Torres does not know the exact number of firearms GONZALEZ-CARRILLO's has, but knows that GONZALEZ-CARRILLO's has acquired 8 – 10 firearms within the last week. GONZALEZ-CARRILLO told Medina-Torres about the recent purchase and that it was fulfilling some sort of order. GONZALEZ-CARRILLO told Medina-Torres all of the firearms and ammunition are for people in Ensenada, Mexico.
8. Medina-Torres knows that GONZALEZ-CARRILLO has traveled to Mexico on at least three occasions since August of 2019. Medina-Torres took a trip to Mexico between August and October 2019. Medina-Torres was towing a trailer loaded with suspected stolen

tools. Medina-Torres followed GONZALEZ-CARRILLO, who was towing a trailer with a suspected stolen Bobcat Skid-Steer Loader. Medina-Torres and GONZALEZ-CARRILLO crossed the border at Tecate. Medina-Torres said his brother happened to meet GONZALEZ-CARRILLO while traveling down to Mexico in December of 2019. At that time GONZALEZ-CARRILLO was towing a travel trailer, and crossed the border at Tecate. Medina-Torres approximated GONZALEZ-CARRILLO's next trip to Mexico was in April 2020.

9. Medina-Torres said GONZALEZ-CARRILLO asked him to tow the travel trailer that he was arrested with in Blackfoot, Idaho, down to Mexico.
10. GONZALEZ-CARRILLO offered to pay Medina-Torres \$1,200; \$600 cash and \$600 towards debt on a vehicle he purchased from GONZALEZ-CARRILLO. Medina-Torres went over to GONZALEZ-CARRILLO's residence on June 30, 2020. GONZALEZ-CARRILLO showed him the trailer that he wanted Medina-Torres to tow to Mexico. The trailer was located two streets over from GONZALEZ-CARRILLO's residence. After hooking up the trailer, Medina-Torres then got into GONZALEZ-

CARRILLO's vehicle and they went to a storage facility approximately 15 minutes northwest of the Bozeman airport. There they stole a travel trailer, hooking it up to GONZALEZ-CARRILLO's vehicle. After that, they drove back to where Medina-Torres' vehicle was located, and then both departed the area.

11. GONZALEZ-CARRILLO told Medina-Torres they were going to take the travel trailers to a trailer park at the Fort Hall Indian Reservation and drop them off. They would then drive back to Bozeman, Montana, and on Sunday, July 5, 2020, they would leave Bozeman with all of the firearms and ammunition that are in GONZALEZ-CARRILLO's detached garage and drive back to the trailers. GONZALEZ-CARRILLO would then put the firearms and ammunition in the trailer he was towing and they would leave the trailer park and drive to San Diego, CA. Medina-Torres refused to take "his" trailer across to Mexico because he was afraid he would not be able to get back into the United States. Therefore San Diego was as far as he was willing to go. Medina-Torres believes GONZALEZ-CARRILLO was therefore going to take each trailer across the border, one at a time.

12. Medina-Torres stated the firearms are currently being stored in GONZALEZ- CARRILLO's detached garage.
13. Additionally, Medina-Torres told ATF SSA Miller that GONZALEZ-CARRILLO offered to buy guns for him when they went to the recent gun expo in Bozeman. Medina-Torres said GONZALEZ-CARRILLO knows Medina-Torres is an illegal alien, and therefore offered to straw purchase firearms.
14. GONZALEZ-CARRILLO offered to sell Medina-Torres two firearms last week and two firearms this week.
15. Medina-Torres stated that he had observed GONZALEZ-CARRILLO with approximately 4-5 handguns and 4-5 AR styled rifles in the last few days.
16. On July 2, 2020, ATF Resident Agent in Charge (RAC) Joseph Korth reviewed ATF Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF Form 3310.4) forms related to transactions of firearms for GONZALEZ-CARRILLO. Per the Gun Control Act, the Multiple Sales Forms are required to be completed by Federal Firearm Licensee's during transactions of two or more handguns within a five day period. Copies of the Multiple Sales Forms are forwarded directly to ATF upon completion of the

- transaction of the firearms. The primary purpose of the forms is to indicate to ATF possible “straw purchasing” efforts and trafficking of firearms. Upon review of the transactions, GONZALEZ-CARRILLO has purchased approximately 31 handguns from stores in the Bozeman, MT area between February 2, 2020 and June 18, 2020. Sixteen of the 31 handguns are the same make, model, and caliber. Based on RAC Korth’s training and experience when multiple transactions of the same firearm occur it is often an indicator that the firearms are being purchased for someone else and/or being trafficked. RAC Korth estimates the value of the handgun firearms purchased to be between \$11,000 and \$13,000.
17. On June 10, 2020, Montana Analysis and Technical Information Center (MATIC) provided a Montana Employment History for GONZALEZ-CARRILLO to ATF SA Philip Swain. It showed GONZALEZ-CARRILLO had not been employed by a company since third (3rd) quarter, 2017
18. On July 2, 2020, SA Fanus learned that GONZALEZ-CARRILLO resides at 1096 Longbow Lane, Unit B, Bozeman, Montana and that a 2006 Nissan Titan XE Montana license plate CKR994 was parked outside the apartment complex.

19. On July 2, 2020, RAC Korth reviewed License Plate Reader (LPR) data for Montana license plates CTA758 and CKR994. License plates CTA758 and CKR994 are registered to GONZALEZ-CARRILLO. A review of the records for plate CTA758 show six border crossings at San Ysidro, CA from April 13, 2020 through June 6, 2020. San Ysidro, CA is at the border of Mexico in southern California. The inbound and outbound crossings show the duration of stay in Mexico to be approximately three days for each trip. A review of the records for license plate CKR994 show three crossings in 2019. Medina-Torres was stopped and arrested in the vehicle with license plate CKR994.
20. On July 2, 2020, RAC Korth reviewed records related to border crossing encounter contacts by the U.S. Customs and Border Protection with GONZALEZ-CARRILLO for the years of 2019 and 2020. GONZALEZ-CARRILLO has crossed into the United States from Mexico on thirteen (13) occasions in 2019 and ten (10) occasions from January 2020 to June 2020.
21. On July 2, 2020, SA Fanus reviewed Medina-Torres cell phone data that was downloaded on July 1, 2020. SA Fanus saw GONZALEZ-CARRILLO had posted several AR styled rifles on

WhatsApp in May and June 2020. A photograph posted on GONZALEZ-CARRILLO's WhatsApp account shows a young child holding an AR style firearm. On June 19, 2020, ATF Agents interviewed GONZALEZ-CARRILLO at his residence. The same child in the photograph answered the door.

22. On July 2, 2020, a federal search warrant was granted and executed at the residence of GONZALEZ-CARRILLO. Several of the recovered semi-automatic handguns and AR style rifles were staged in the garage in the original gun cases or soft sided aftermarket gun cases with ammunition and magazines. Several firearms, ammunition, and firearm accessories were seized from inside the residence and the garage. Specific to garage were four (4) Glock semi-automatic handguns, two (2) Beretta semi-automatic handguns, and five (5) Diamondback AR style semi-automatic rifles. Two of Glock handguns seized from the garage are further identified as:

- Glock, model 22, .40 caliber semi-automatic pistol, S/N: AEHV770 and
- Glock, model 45, 9mm semi-automatic pistol, S/N: BNTZ152.

A similar firearm seen in the photograph with the young child was also recovered.

23. While the search warrant was being executed at GONZALEZ-CARRILLO's residence, RAC Korth spoke with a source of information (SOI) that is a neighbor to GONZALEZ-CARRILLO and lives in the apartment complex. The SOI stated that GONZALEZ-CARRILLO and his family were out of town at a hotel and were to return home on July 4, 2020. The SOI also advised that GONZALEZ-CARRILLO was supposed to be taking a trip to Mexico on Sunday, July 5, 2020.

24. On July 6, 2020, ATF SA Philip Swain reviewed Report of Multiple Sale or Other Disposition of Pistols and Revolvers, ATF Form 3310.4, dated June 18, 2020. This form was completed by a Bob Ward & Sons, Inc. (3011 Max Avenue, Bozeman, MT 59718, Federal Firearms Licensee (FFL): 9-81-031-01-K-06505) employee. GONZALEZ-CARRILLO purchased the two aforementioned firearms from Bob Ward & Sons Inc. on June 17, 2020.

25. On July 6, 2020, SA Swain obtained a copy of the ATF Form 4473 completed by GONZALEZ-CARRILLO for the aforementioned firearms. On Question 11(a) Are you the actual transferee/buyer of

the firearm(s) listed on this form?, GONZALEZ-CARRILLO checked "Yes".

26. SA Swain also got a signed copy of Bob Ward & Sons, Inc.'s FFL.

Their license expires on January 1, 2023 (FFLs are valid for 3 years.). SA Swain also conferred with ATF Industry Operations Investigator (IOI) Timothy Hawkins. IOI Hawkins confirmed Bob Ward and & Sons, Inc. FFL was valid on June 17, 2020.

IV. CONCLUSION

27. Based on my training and experience, and the foregoing facts, I believe there is probable cause to believe that Cristyan Jose GONZALEZ-CARRILLO, violated Title 18, United States Code, Section 922 (a)(6) - in connection with his acquisition of firearms, namely a Glock, model 22, .40 caliber semi-automatic pistol, S/N AEHV770 and a Glock, model 45, 9mm semi-automatic pistol, S/N BNTZ152., from Bob Ward & Sons, Inc. Bozeman, Montana, a licensed dealer, knowingly made a false and fictitious written statement to Bob Ward & Sons, Inc., which statement was intended and likely to deceive Bob Ward & Sons, Inc., as to a fact material to the lawfulness of such sale and acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented at question 11(a) on ATF Form 4473 , Firearms Transaction

Form, dated June 17, 2020, the defendant was not the actual transferee/buyer of the firearms. These violations occurred in the County of Gallatin, in the State and District of Montana on or before June 17, 2020.

28. I swear that the facts presented herein are true and accurate to the best of my knowledge.

/s/ Philip D. Swain
Philip D. Swain, ATF Special Agent

Sworn to before me over the telephone and signed by me pursuant to federal rule of criminal procedure 4.1 and 4(d) on the 8th day of July, 2020.

Kathleen L. Desoto
Kathleen L. Desoto
United States Magistrate Judge
District of Montana